

SENATE BILL REPORT

SB 5944

As Reported By Senate Committee On:
Judiciary, February 28, 2007

Title: An act relating to ignition interlock devices.

Brief Description: Concerning ignition interlock devices.

Sponsors: Senator Brandland.

Brief History:

Committee Activity: Judiciary: 2/27/07, 2/28/07 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

Staff: Lidia Mori (786-7755)

Background: People who have been convicted of driving under the influence of intoxicating liquor or any drug (DUI) are restricted to driving vehicles equipped with an ignition interlock device for varying lengths of time. A person convicted of DUI, who has not previously been restricted to driving with an ignition interlock device, is only allowed to drive a vehicle with an ignition interlock device for a period of one year. For a person who has been previously restricted to driving with an ignition interlock device, the period of the ignition interlock restraint is five years. If a person has been restricted two times or more to driving only with an ignition interlock device, the period of restriction is ten years. The Department of Licensing is required to attach or imprint a notation on the driving record of any person restricted to driving with an ignition interlock device. It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not equipped with a functioning ignition interlock device.

Summary of Bill: A police officer who has probable cause to believe a person is driving a motor vehicle without a functioning ignition interlock device when that person is required to only operate a motor vehicle that is equipped with such a device has authority to arrest the person. The arresting law enforcement officer or officer issuing a citation is required to impound the vehicle of the person arrested or cited, even if the driver is not the registered owner of the vehicle.

A person convicted of driving a motor vehicle while under the influence of intoxicating liquor or any drug (DUI) who has no prior offense within seven years is entitled to suspension of the

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statutory fine for DUI if he or she submits written verification of installation of an ignition interlock device on a vehicle that he or she owns or operates. This also applies to a person who is convicted of being in physical control of a motor vehicle while under the influence of intoxicating liquor or any drug.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Ignition interlock is a critical issue in Washington. Ignition interlock devices work, and there is irrefutable evidence of this. Nearly 28,000 people in Washington are supposed to have an ignition interlock on their car, but closer to 5,000 people actually have them. This bill attempts to address the issue of compliance. Maybe we should require the ignition interlock to be installed prior to the vehicle being released from impoundment? The bill has a carrot; the fine is suspended if an ignition interlock is installed. We keep ratcheting up the fine for DUI and there are a lot of folks that are already in a financial hole by the time they get the DUI. Continuing to raise fines will not get us where we want to go. The best thing to do is to restrict DUI offenders from being able to get behind the wheel. Ignition interlocks are a significant tool for addressing those who continue to drink and drive.

Persons Testifying: PRO: Senator Brandland, prime sponsor; Don Pierce, Washington Association of Sheriffs and Police Chiefs.